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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,467	04/20/2001	Lewis J. Rompala	0550862-0015	2467
7590	10/27/2004		EXAMINER	
Sam Pasternack Choate, Hall & Stewart 53 State Street Exchange Place Boston, MA 02109			NGUYEN, QUANG N	
			ART UNIT	PAPER NUMBER
			2141	
			DATE MAILED: 10/27/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/839,467	ROMPALA ET AL.	
	Examiner Quang N. Nguyen	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 April 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/31/2002</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

***Detail Action***

1. This Office Action is in response to the Application SN 09/839,467 filed on 04/20/2001. Claims 1-11 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Anthony (US 2002/0161621 A1).**

4. As to claim 1, Anthony teaches a system and method for remotely qualifying a prospective customer's data stream transformation project, comprising:

an Internet host for storing a targeted procedures model (a *qualifier database 190 currently resides on the Internet host 180*) (Anthony, Fig. 1 and paragraph [0018]);

a user site having a phone and a user computer equipped with an e-mail client, Web browser and a modem (Anthony, Fig. 1 and paragraph [0018]);

a prospect site having a prospect phone and a prospect computer operating on one or more prospect applications and monitoring software, and equipped with a prospect terminal, a data storage device, a prospect e-mail client, prospect Web browser and prospect modem for communicating with the user site and Internet host (Anthony, Fig. 1 and paragraph [0018]);

wherein the monitoring software records data streams flowing between prospect terminal emulation software being operated by a prospect (*i.e.*, by a “*remote qualifier*”) at the prospect site and the one or more prospect applications, and stores the recorded data streams on the data storage device (*prospect uses prospect Web browser 175 to access historical information, i.e., to access recorded data streams, on qualifier database 190*) for retrieval and incorporation into the targeted procedures model (Anthony, Figs. 2-3 and paragraph [0018-0019 and 0021]).

5. As to claim 2, Anthony teaches the system of claim 1, wherein the monitoring software further communicates the recorded data streams to the user computer for displaying captured prospect terminal screens (*prospect uses prospect Web browser 175 to access historical information, i.e., to access recorded data streams, on qualifier database 190*) (Anthony, paragraph [0019]).

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6. As to claims 3-4, Anthony teaches the system of claim 2, wherein the monitoring software accepts and inserts data from a user at the user site into the recorded data streams, comprising synchronization points (*the transformation will be porting data from one operating system to another, or from a wired application to a wired/wireless client device*) (Anthony, paragraph [0031 - 0035]).
7. As to claim 5, Anthony teaches the system of claim 1, wherein the prospect may view the targeted procedures model using the prospect Web browser (*the remote qualifier directs the prospect to the vendor's Web site to search for previous data stream transformations using the prospect Web browser 175 to access qualifier database 190 via Internet 140*) (Anthony, paragraph [0039]).
8. Claims 6-11 are corresponding method claims of system claims 1-5; therefore, they are rejected under the same rationale.
9. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

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10. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LE HIEN LUU  
PRIMARY EXAMINER